
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**
: :
v. : Honorable Cathy L. Waldor
: :
JOHN FAHY, and : Mag. No. 23-9166
DAISY SAC : :
: :

I, Moira Cummings, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this criminal complaint is based on the following facts:

SEE ATTACHMENT B

by phone
Moira Cummings, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Attested to me by telephone pursuant to F.R.C.P. 4.1(b)(2)(A),
on this 2nd day of April 2023, in the District of New Jersey.

Honorable Cathy L. Waldor
United States Magistrate Judge

s/Cathy L. Waldor 4/2/23
Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

(Conspiracy to Deal Firearms without a License)

Between in or around the month of August 2022 and in or around the month of March 2023, in Bergen County, in the District of New Jersey and elsewhere, the defendants,

**JOHN FAHY, and
DAISY SAC**

did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree together, with other persons both known and unknown, to commit a certain offense against the United States, that is, dealing firearms without a license, in violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a) and 924(a)(1)(D), by agreeing to willfully engage in the business of dealing in firearms, or in the course of such business, transporting any firearm in interstate commerce, and one or more of such persons did any act to effect the object of the conspiracy.

In violation of Title 18, United States Code, Section 371.

COUNT TWO
(Dealing Firearms without a License)

Between in or around the month of August 2022 and in or around the month of March 2023, in Bergen County, in the District of New Jersey and elsewhere, the defendants,

**JOHN FAHY, and
DAISY SAC,**

not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in firearms, or in the course of such business, did transport a firearm in interstate commerce.

In violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a) and 924(a)(1)(D).

COUNT THREE
(Unlawful Possession of Firearms by a Convicted Felon)

Between in or around the month of August 2022 and in or around the month of March 2023, in Bergen County, in the District of New Jersey and elsewhere, the defendant,

JOHN FAHY,

knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess firearms, namely, a P-239 .40 caliber Sig Sauer handgun, bearing serial number SA4-85 384, a Beretta PICO .380 caliber handgun, bearing serial number PC046272, a Glock 9 mm handgun, bearing serial number BFSX622, a Glock 9 mm handgun, bearing serial number 25YUSA1086, a Harrington and Richardson Model 733 handgun, bearing serial number AC48156 and a Grisan Model Regard MC 9mm handgun, bearing serial number T6368-21A03638, and the firearms were in and affecting interstate commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

ATTACHMENT B

I, Moira Cummings, am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, photographs, recordings, and other items of evidence. Where statements of others are related herein, they are related in substance and part. Where I refer to the contents of previously recorded conversations (e.g., consensual recordings or prior wiretap interceptions), quotations and descriptions are based on preliminary draft transcripts and/or translations of those conversations. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. In or around August 2022, the ATF initiated an investigation into the trafficking of firearms in and around Bergen County, New Jersey and elsewhere. During that investigation, law enforcement identified John Fahy (“FAHY”) and Daisy Sac (“SAC”) as traffickers of firearms. From August 2022 to March 2023, law enforcement conducted at least six controlled purchases from FAHY and SAC, which resulted in the recovery of six firearms (collectively, the “Firearms”). All of the controlled purchases that are summarized herein were captured by audio-recording devices.

2. A federal firearms license (“FFL”) is required for any individual or business to operate as a dealer, importer, or manufacturer of firearms. The Federal Firearms Licensing Center, an arm of ATF, processes FFL applications and maintains the Firearms Licensing System, which contains records regarding approved FFLs. Based on law enforcement’s queries of the Firearms Licensing System, neither FAHY or SAC have received an FFL, and they are accordingly not licensed as dealers, importers, or manufacturers of firearms.

3. On or about August 12, 2022, an undercover law enforcement agent (the “UC”) met with FAHY and SAC at their residence in Lyndhurst, New Jersey (the “Lyndhurst Residence”) to purchase a firearm. During the meeting, the UC purchased a P-239 .40 caliber Sig Sauer handgun (the “Sig Sauer”), bearing serial number SA4-85 384, from FAHY in exchange for \$1,000 in cash. SAC confirmed the operability of the Sig Sauer to the UC and stated that she had test-fired the firearm to confirm its operability.

4. On or about September 7, 2022, the UC met FAHY and SAC at the Lyndhurst Residence. During the meeting, the UC purchased three firearms from FAHY in exchange for \$3,000 in cash, namely a Beretta PICO .380 caliber handgun (the “Beretta”), bearing serial number PC046272, a Glock 9 mm handgun (the “Glock-1”), bearing serial number BFSX622, and a Glock 9 mm

handgun (the “Glock-2”), bearing serial number 25YUSA1086. During the transaction, FAHY and SAC discussed which firearms to sell to the UC and how much to charge the UC for the total purchase. During the transaction, FAHY asked the UC to scratch out the serial number on all three of the firearms explaining that SAC had purchased at least one of the firearms in her name.

5. On or about September 29, 2022, the UC met with FAHY and SAC at the Lyndhurst Residence. During the meeting, the UC purchased a Harrington and Richardson Model 733 handgun (the “Harrington Richardson”), bearing serial number AC48156, from FAHY in exchange for \$520 in cash.

6. On or about March 30, 2023, the UC met with FAHY and SAC at the Lyndhurst Residence. During the meeting, the UC purchased a Grisan Model Regard MC 9mm handgun (the “Grisan”), bearing serial number T6368-21A03638, from FAHY in exchange for \$1,000 in cash. Additionally, during the transaction SAC advised the UC that she and FAHY had traveled to North Carolina to purchase the Grisan and that she had test-fired the firearm to confirm its operability. After the UC paid FAHY the \$1,000, the UC observed FAHY give SAC a portion of the proceeds from the sale. FAHY told the UC that he and SAC split all of the profits from the firearms sales.

7. The Firearms that the UC purchased from FAHY and SAC were manufactured outside the State of New Jersey, and thus traveled in interstate commerce prior to FAHY and SAC’s possession of them in New Jersey during each of the controlled Firearm purchases which occurred between on or about August 12, 2022 and March 30, 2023.

8. Prior to being in possession of the Firearms, FAHY was previously convicted of at least one felony offense. For example, on or about December 15, 2016, FAHY was convicted in the Superior Court of New Jersey, Gloucester County, of burglary in violation of N.J.S.A. § 2C:18-2A(1), a crime punishable by a term of imprisonment exceeding one year.